

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

400J0299

## HOUSE BILL NO. 1062

Introduced by: The Committee on Transportation at the request of the Department of  
Transportation

1 FOR AN ACT ENTITLED, An Act to revise the rule-making authority regarding the mowing  
2 of ditches on the state trunk highway system.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 31-5-21 be amended to read as follows:

5 31-5-21. The Transportation Commission may, by ~~rule adopted~~ rules promulgated pursuant  
6 to chapter 1-26, authorize the ~~issuance of permits for the~~ mowing of ditches on the state trunk  
7 highway ~~and interstate highway systems, to fix fees for issuance of such permits, to~~ system. The  
8 rules shall establish when mowing may be done, by whom mowing may be done, how and  
9 where mowing may be done, ~~and the time limit for removal of hay if mowing is done for hay~~  
10 ~~production. However, such the rules and regulations shall provide that the original owner or~~  
11 ~~assigns of land abutting the ditches on the state trunk highway and interstate highway systems~~  
12 system shall be given priority in the issuance of such permits for mowing.

13 Section 2. That § 31-5-22 be amended to read as follows:

14 31-5-22. Any person who ~~shall violate~~ violates any of the ~~terms or conditions of the mowing~~  
15 ~~permits~~ rules authorized pursuant to § 31-5-21 ~~shall be~~ is guilty of a ~~Class 1~~ Class 2



1     misdemeanor.